

REMARKS

The present invention, in one embodiment, is a method and device for creating multiple individualized multimedia messages over a computer network to multiple recipients (at least 500- see pages 27-31), respectively, all at one time.

Individualization or personalization occurs from at least two sources, i.e., data in a recipients' database (e.g., recipient's name and address) and certain preset rules ("business logic rules"), e.g., providing local hotels or restaurants based on the address information for the individual. This is a second level of personalization which is above a first level, i.e., mere use of the recipient's data in the message (such as recipient's name in a greeting).

Multimedia messages incorporate different media, e.g., text and/or graphics, along with video and/or audio.

The messages are preferably "filled" at the time of viewing or opening by the recipient, e.g., the message contains a unique URL or other means such that when the message is opened, the data from the database is sent to the message. This aspect of the invention enables extremely fast sending of large groups of messages, yet provides individualization and multimedia content which may contain relatively large files. It even allows a message to be updated by updating the data with which the message (after sending but before viewing) will be filled when opened or viewed. In other words, the message contains a link or links back to the sender's database (or elsewhere) to the

specific individualized information.

In paragraph 3 on page 3 of the Action, claims 1-15, 18-33, 36-63 and 71-78 have been rejected as being unpatentable over Hibbeler (U.S. Patent No. 6,067,348) in view of Faynberg et al. (U.S. Patent No. 6,222,826). It is asserted that Hibbeler teaches creation of individualized multimedia messages using recipient information and that Faynberg teaches multimedia content based on the recipient information.

Hibbeler teaches a phone message (outbound message) personalization by inserting a recipient's first name from "name storage 100" into a message.

1. The message is merely audio, and thus is not "multimedia."
2. The message body does not vary from recipient to recipient. An audio of the recipient's first name is a "greeting segment" and is simply placed before the message body.
3. There is no selection of message content based on (but different from just) the individual recipient information.
4. The message is sent and cannot be changed when sent.

Faynberg is also directed to phone messages, and telephony. Generally, it appears directed to a phone conference, to sync up material delivered and displayed on a screen with material (audio) delivered by phone. In Faynberg, a user makes a request for a conference. The audio goes through the phone. Faynberg could be likened to GoToMeeting.

Claim 1 recites a message creation and distribution system where the recipient information repository contains unique information about multiple recipients, and the multimedia content repository contains at least one of text and graphics files, and at least

one of audio and video files. The multimedia content i.e., the text and/or graphics files along with the audio and/or video files, are selected based on the recipient information and delivered over the computer network. This is not shown or suggested by the cited art.

Hibbeler merely adds a name before or otherwise in a fixed message. There is no teaching of multimedia computer files and there is no teaching of changing the multimedia content based on the personalized data, rather than simply adding personal (unchanged) data to the message. Faynberg does nothing more than sync visual data delivered on a website or the like with audio data for a web based meeting and phone conference. The combination, even if it would somehow have been obvious, does not teach delivering of multimedia content to many recipients using an email to each recipient. In the claimed invention, the content is delivered through the email, not over the phone and a website together. There is no other way to describe this rejection than as a marrying of two references that then still need to have their pieces massaged quite a bit to look anything like the claimed invention. It is respectfully submitted that the claimed invention is much more than the general concept of multimedia delivered over the internet, but the rejection appears to consider the invention as simply multimedia delivered over the internet. The claims have been amended to further emphasize the differences from the cited references.

In one embodiment, the claimed invention is more than simply personalizing an email by inserting a name in the text. The email template which is applicable to the recipient is generated from lookup in a database using unique recipient data, unique data in multimedia, and synchronization of the multimedia data. In claim 1, the multimedia

content is individualized while in Faynberg it is not. In claim 1, all of the message is delivered by filling the email. In Faynberg, it is not. In Faynberg, it is delivered in part by phone and part on the web or the like.

All the other rejections are overcome for the same reasons, as well as additional specific reasons set forth herein.

Independent claim 3 has similarity to claim 1 and is therefore believed patentable in view of claim 1 being patentable.

Claim 4 depends on claim 3 and recites a data access routine, not shown or suggested by Hibbeler. Moreover claims 2, 10, 11, 30 and 56 teach unique links in some of the messages in comparison to other messages. Unique data, unique links, and unique multimedia would be contrary to Faynberg's purpose of synchronizing.

Claim 5 recites that the system includes an administration routine, and that the administration routine includes routines of viewing/playing content, uploading content, searching content, and organizing multimedia content. As recited in claim 3, the multimedia content includes computer files having at least one of text and graphic files and at least one of audio and video files. By contrast, the Hibbeler reference lacks any teaching of multimedia content. It is simply an audio message with the name of the user appended at the beginning and/or elsewhere in the message.

Claim 6 depends on claim 5 and also recites that the administration routines create and maintain database and directory structures. This simply is not shown or suggested by Hibbeler.

Claim 7 also depends on claim 5 and recites that the system includes file conversion routines for converting file formats within the system and for delivery to

clients. This is not disclosed by Hibbeler, especially since Hibbeler does not disclose any multimedia content. File conversion is unnecessary and not suggested.

On page 7 of the action, the remaining claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hibbeler.

The Office action indicates that Hibbeler teaches transmitting the message over the internet (col. 6, line 38-40) and that various other elements of the subject invention would have been obvious to one of ordinary skill in the art because of asserted well known protocols.

With respect to claim 8, it recites a clean up routine. The Examiner states that it is an official notice to remove errors and unwanted redundancies from the database to free memory space. Nevertheless, in conjunction with claim 5 on which it depends, it is patentably distinct from the art of record.

Claim 9 recites archiving routine for saving files and associations with a particular campaign. Claim 9 is patentably distinct from the art of record for similar reasons as claim 8, in that it depends from claim 5 too.

Claim 10 depends on claim 3 and emphasizes that in the present invention, in a preferred embodiment the recipient information is first converted into a unique content then any content (i.e., user varying content) is used in the multimedia message. The recipient data itself is not simply passed along. By contrast, in Hibbeler, the recipient data is simply passed along, i.e., the recipient's name such as first or last name.

Claim 12 has been amended to emphasize that the multimedia content in addition to text and graphics, includes video and/or audio. The video and/or audio files are selected from a group consisting of multimedia format languages. Hibbeler, even if it

uses telephony (i.e., uses the internet to deliver an audio message), only delivers an audio message. It does not suggest the use of multimedia format messages.

Claims 13, 14 and 15 concern playing the multimedia format including the video and/or audio to play automatically. Claim 15 recites specific markup languages not shown or suggested by Hibbeler. These claims and claims 16-17 below emphasize how the message is assembled on an individual basis in real time, rather than the Hibbeler “batch process.” Hibbeler creates all the messages and sends them out in a batch. In the claimed invention, an email template (which is in one embodiment) individually selected based on unique recipient data and “business logic” is filled “dynamically” i.e., on the fly at the recipient rather than in a batch at the place of sending the email templates.

Claim 16 specifically recites that the message is formatted to contain a unique URL link which retrieves the multimedia message content. According to this aspect of the invention, the content that fills the message need not be sent at the time the message is sent and fills the message later. This aspect of the invention allows many emails to be sent at the same time extremely quickly. In addition, this aspect of the invention **enables the content of the multimedia message to be changed even after the message has been sent**. There is absolutely no suggestion of this feature in Hibbeler.

With respect to claim 17, it recites a first routine to collect individualized data and a second routine to display the data and depends on 16. Therefore, it emphasizes filling the message after the message has been sent, e.g., upon opening by the recipient or selection of the link by the recipient.

In claim 20, amendments have been made consistent with amendments to claim 1. Therefore, claim 20 is patentably distinct from Hibbeler for those reasons set forth in

claim 1. In addition, claim 20 is patentably distinct from Hibbeler in that the multimedia content is selected using recipient data thus providing, as noted above, a second level of personalization. In other words, the selected multimedia content that ends up in the message is of a different type from just the recipient data. One example is where the multimedia content is a coupon for a restaurant located in the same geographic area such as the same city, or same zip code, or within a predetermined radius of the recipient's location. Another type of data might be the location of a restaurant (nearest the recipient) of a national chain of restaurants. This is a step well beyond taking a name of a recipient and simply putting it into a message as is done in Hibbeler.

Claim 25 concerning synchronization of the different types of multimedia files emphasizes that there is more to the construction of the subject invention to provide individualized multimedia emails than simply pasting an audio of a name file to the front of an audio message.

Dependent claim 34 depends on claim 20. It further recites that the delivered message is an email with recipient's name and email address. In addition, the email has a unique URL pointing to the message content. Accordingly, as noted above with respect to claim 20, the message may be filled at the time of the recipient clicking on it, rather than being sent out in field form. This enables rapid sending of many messages at the same time because the files being sent initially are small. In addition, it allows the point in time the recipient looks at the message content to be substantially later than the point in time where the message is sent, and allows for data to be updated **even after the message has been sent**. In fact, even after the recipient looks at the message, if the recipient closes it and looks at it again, data could be updated between the first review

and the second review of the message.

Hibbeler suggests no such thing.

Claim 35 depends on claim 34 and adds the fact that the multimedia content will play when the recipients email inbox is highlighted in addition to the unique URL playing to the message content. This occurs simultaneously and spontaneously. Hibbeler suggests no such thing and it would not have been obvious to one of ordinary skill in the art to do so.

Claim 39 depends on claim 20 and recites that the client interface management routine contains a graphical user interface for displaying information and allowing direct client input. In this way, the client can dynamically use and change the message content which it sees. Hibbeler teaches no such thing and, again, it is respectfully submitted that such would have been obvious. Only through the use of hindsight would it occur to one of ordinary skill in the art.

Claim 40 depends on claim 20 and recites that the content management routine further includes routines for directing content uploading and customization of the content database. This emphasizes the novelty and nonobviousness of the claimed invention filling messages after sending and/or filling messages with content that is unique to a user and selected based on recipient data, not just recipient data passed along.

Claim 41 is patentable as it depends on claim 20. In addition, it recites file security for a campaign so that only authorized parties can access the content management routine. Hibbeler discloses no such thing.

Claim 42 recites a search engine for the content repository. It depends on claim 20 too and, therefore, is patentably distinct from the art of record.

Claim 44 recites that the content management routine includes control routines that manage file check-in and check-out by clients accessing the system. Hibbeler discloses no such thing.

Dependant claim 47 depends on claim 20 and further recites a reporting routine for real-time reporting of content and usage statistics. This entails **feedback** from the recipient whether or not the recipient intends to provide feedback. Hibbeler provides no such feedback and the concept of feedback in general does not render this aspect of the invention obvious.

Claim 48 is patentably distinct over the art of record in that it depends on claim 47. In addition, it emphasizes feedback by reciting specific forms of feedback, none of which would have been disclosed by or would have been obvious from Hibbeler or the use of feedback in general.

Claim 50 depends on claim 20 and recites that the content management routine may synchronize combinations of a certain multimedia, i.e., graphic, audio and text, for presentation to the recipient. There is no way to have multimedia over the telephone whether the telephone message is sent by internet or regular phone lines. There is no such suggestion in Hibbeler to use multimedia content.

Claim 51 relates to a multimedia engine routine which modifies the message content and specifically recites use of offers, discounts, coupons or rebates after the campaign has been deployed. This specific aspect and advantage of the invention is in no way disclosed or obvious from Hibbeler.

Claim 55 is a method and is patentably distinct from the art of record for substantially the same reasons as claim 1.

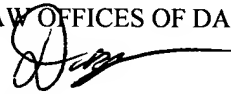
In addition, dependent claims 71 to 78 have been amended to emphasize not only that the multimedia content repository further includes at least one audio and video file, but also that the content is delivered in response to opening the email. None of the cited references teach that. Use of text and/or graphics having personalized information in combination with audio and/or video having personalized information is in no way possible or disclosed by Hibbeler.

In view of the above amendments and remarks, reconsideration of the application and allowance of all of the claims are respectfully requested. If any issues remain which can be resolved by a supplemental response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

It is not believed that any additional fees are due; however, in the event of any additional fees are due, the Examiner is authorized to charge the enclosed credit card listed on the enclosed authorization form.

Respectfully submitted,

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Encls.

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Nov. 30, 2009

A handwritten signature in dark ink, appearing to read "David L. Hoffman".

David L. Hoffman, Reg. No. 32,469

11/30/09

Date